

REMARKS

Claims 1-11 are pending in the application, with claims 1, 3, and 9 being the independent claims. In summary of the outstanding Office Action, claims 1-11 are rejected under 35 U.S.C. § 103 as being unpatentable over Purpura (U.S. Patent No. 6,421,768) in view of Luckenbaugh et al. (U.S. Patent No. 6,311,269) or Novicov (U.S. Patent No. 6,275,934).

Reconsideration of the outstanding rejections to the claims is respectfully requested in view of the following remarks.

Rejections under 35 USC § 103

Regarding claim 1, The Office Action states that “Luckenbaugh et al. or Novicov et al. show the registry storage of a web cookie for security and authentication,” ostensibly correlating this to the user registration system element of claim 1. The Office Action goes on to state that “it would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Purpura because the browser cookie authentication are conventional functional equivalents with respect to the claim limitations.” Without conceding the propriety of the Office Action contention that Luckenbaugh et al. or Novicov disclose any of the limitations of claim 1, Applicants submit that the Office Action has failed to establish a prima facie case of obviousness because the Office Action based the teaching or suggestion to combine the above references and modify Purpura on Applicants’ disclosure. Specifically, the Office Action stated the suggestion to combine is “because the browser cookie authentication are conventional functional equivalents with respect to the claim limitations.” The claim limitations are part of Applicants’ disclosure. According to MPEP 2142:

“The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2143 - § 2143.03 for decisions pertinent to each of these criteria.”

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Therefore, the Office Action improperly based the teaching or suggestion to combine the above references and modify Purpura on Applicants' disclosure, and thus failed to establish a prima facie case of obviousness.

Regarding, claims 2-11, the Office Action cited the same suggestion to combine the above references and modify Purpura, and thus Applicants submit that the Office Action failed to establish a prima facie case of obviousness for claims 2-11 for at least the same reasons presented above.

Since the Office Action failed to establish a prima facie case of obviousness due to providing an improper suggestion for combination of the above references in the rejection of claims 1-11, withdrawal of the rejections of claims 1-11 under 35 U.S.C. § 103(a) is earnestly solicited.

CONCLUSION

Applicants believe that the present reply is responsive to each point raised by the Examiner in the Office Action and Applicants submit that claims 1-11 of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the Examiner's earliest convenience is earnestly solicited. However, should the Examiner find the claims as presented herein to not be allowable for any reason, Applicants' undersigned representative earnestly requests a telephone conference at (206) 332-1392 with both the Examiner and the Examiner's Supervisor to discuss the basis for the Examiner's continued rejection in light of the Applicant's arguments presented herein. Likewise, should the Examiner have any questions, comments, or suggestions that would expedite the prosecution of the present case to allowance, Applicants' undersigned representative would very much appreciate a telephone conference to discuss these issues.

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